

Dkt. No. 92750/58

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Arie Pieter Otte

Serial No. : 09/762,916

Filed : June 29, 2001

For : METHOD OF DETECTING A DNA SEQUENCE,
A DNA SEQUENCE, A METHOD OF MAKING A
DNA CONSTRUCT AND THE USE THEREOF

Art Unit : 1636

Examiner : Terry Alan McKelvey, Ph.D.

"Express Mail" mailing label No. EV 031302108 US

Date of Deposit: December 2, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Name: Alan D. Miller

Signature: [Signature]

**COMMUNICATION IN RESPONSE TO OCTOBER 2, 2002 OFFICE ACTION,
PETITION FOR A ONE MONTH EXTENSION OF TIME,
AND INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §1.97(b)(3)**

Commissioner for Patents
Washington, D.C. 20231

Sir:

This Communication is submitted in response to the Office Action issued on October 2, 2002 in connection with the above-identified application. A response to the October 2, 2002 Office Action was due on November 2, 2002. Applicant herewith petitions for a one month extension of time in which to respond to the October 2, 2002 Office Action. The fee for a one month extension of time for a small entity is \$55.00 and a check in this amount is enclosed. With a one month extension of time, a response to the November 2, 2002 Office Action is due December 2, 2002. Accordingly, this Communication is being timely filed.

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Restriction Requirement

In the Office Action, the Examiner required restriction to one of the following two Groups of inventions under 35 U.S.C. §§121 and 372:

- I. Claims 25-49, drawn to method of detecting and optionally selecting a DNA sequence; and
- II. Claims 50-55, drawn to DNA sequence and method of making a DNA construct comprising use of the DNA sequence.

In response to the restriction requirement, applicant hereby elects, to prosecute the invention identified by the Examiner as Group I, i.e. Claims 25-49, drawn to method of detecting and optionally selecting a DNA sequence.

Information Disclosure Statement

In accordance with the duty of disclosure under 37 C.F.R. §1.56, applicant would like to direct the Examiner's attention to the references which are listed on the attached form PTO/SB/08A (substitute for form 1449/PTO) (**Exhibit A**) and attached hereto as **Exhibits 1-4**. The attached references were cited in a PCT International Search Report issued November 30, 1999 in connection with corresponding PCT International Application No. PCT/NL99/00518. A copy of the Search Report is attached hereto as **Exhibit 5**.

Applicant is submitting the subject Information Disclosure Statement pursuant to 37 C.F.R. §1.97(b)(3) before the mailing of a first Office Action on the merits. Accordingly, no fee is deemed necessary in connection with the filing of this Information Disclosure Statement.


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No fee, other than the enclosed \$55.00 fee for a one month extension of time, is deemed necessary in connection with the submission of this Communication and Information Disclosure Statement. However, if a fee is required to preserve the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN
Attorneys for Applicant
90 Park Avenue
New York, New York 10016
(212) 697-5995

Dated: December 2, 2002
New York, New York

By 
Craig J. Arnold
Reg. No. 34,287
Alan D. Miller
Reg. No. 42,889